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09/991,934	11/26/2001	Masayuki Itakura	OHT-0001	5436

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EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/991,934

Applicant(s)

ITAKURA, MASAYUKI

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-16 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) 25 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/7/03 has been entered.

### ***Election/Restrictions***

2. Applicant's election with traverse of Species III in Paper No. or mail date of 12/5/03 is acknowledged. The traversal is on the ground(s) that all three species have a resin portion of a vibration preventing damper formed integrally with a resin portion of a chassis. This is not found persuasive because independent claim 25 does not include the limitation of a resin portion of a damper formed integrally with a resin portion of a chassis. Claim 25 does not recite the particular element materials, but does include the limitation of the vibration preventing damper forming portion of the chassis serving as the lid whereas the other species include a separate lid element from the chassis.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 25 and 26 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. or mail date 12/5/03.

***Information Disclosure Statement***

4. The information disclosure statement filed 12/12/03 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Examiner notes that the copy of the communication pursuant to Article 96(2) EPC is not considered to be a reference. Examiner recommends listing the references used in the communication and providing a legible copy of each of the references.

***Drawings***

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "18" and "19" have both been used to designate the chassis in figure 4A, "25" and "26" have both been used to designate the chassis in figure 4B, and "31" and "32" have both been used to designate the chassis in figure 4C. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Objections***

6. Claims 2-5, 7, 9, 10, 12, 14 and 24 are objected to because of the following informalities: in line 4 of claim 2 the phrase "a casing, comprising" should be changed to clearly indicate what comprises "a resin portion at the vibration preventing damper

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forming a portion...". Appropriate correction is required. The remaining claims are objected to due to their dependency from claim 2.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-16, 23, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 2. The phrase "a resin material" in lines 5-6 is indefinite. It is unclear to the Examiner whether the resin material in lines 5-6 is intended to be the same or different from the resin portion claimed in line 4 of claim 2.

Re: claim 2. The phrase "the damper housing" in line 6 lacks proper antecedent basis in the claim.

Re: claims 2, 6, 8, 11, 13, 15, and 16. The phrase "a chassis" first claimed in line 3 of claim 2 is indefinite. It is unclear to the Examiner whether the chassis in line 3 is intended to be the same or different from that claimed in line 1.

Re: claims 3, 5, 6, 8, 11, and 13. The phrase "the vibration preventing damper forming portion" first claimed in lines 3-4 of claim 3 lacks proper antecedent basis.

Re: claims 11, 13. The phrase "wherein a through hole is formed in the vibration preventing damper forming portion in one of a metal portion of a chassis and a metal chassis" in lines 14-15 does not make when "the chassis as a whole is formed of a resin

material" as claimed in line 12. Examiner has rejected the claim using the limitation wherein the chassis as a whole is formed of a resin material. A similar issue exists in claim 13.

Re: claim 15. The phrase "the resin chassis" in the last line of the claim leads to confusion since the claim recites the chassis comprises a metal portion. See line 9 from the bottom of the claim.

Re: claim 23. The phrase "a lid member in line 2 from the bottom of the claim is indefinite. It is unclear to the Examiner whether the lid member in line 2 from the bottom of the claim is intended to be the same or different from that recited earlier in claim 23.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 3, 18-20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP-9147537 (JP'537) in view of Prior art figure 6C and WIPO 99/36909 (using US Patent 6310853 to Ito as an English equivalent).

Re: claims 2 and 24. JP '537 shows in figure 1 a mechanical chassis 2 and a vibration preventing damper 3 attached on a chassis supported in a floating condition through the vibration preventing damper within a casing 1, comprising a portion at the vibration preventing damper 3 forming a portion of the chassis, wherein an opening side

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end portion made of a resin material (as disclosed in lines 2-3 of the solution section of the abstract) of the damper housing shown in the area of element 16 provided with a holder portion in a form of a container opened at one end for inserting a support shaft 4 provided in the casing and an elastic wall portion shown in the area of the lead arrow of number 3 for reducing floating movement of the support shaft due to elastic deformation in three-dimensional directions is fixed to the portion and the vibration preventing damper is formed integrally with the chassis to form a unitary structure of the vibration preventing damper and the portion of the chassis as described in lines 1-3 of the solution section of the abstract (patent abstracts of Japan), but does not show or disclose that the mechanical chassis includes a non-contact reading mechanism for a disc recording medium and does not disclose that the portion of the chassis is a resin portion.

Prior art figure 6c teaches the use of a non-contact reading mechanism 2 included on a mechanical chassis 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the chassis of JP '537 to have included a non-contact reading mechanism, as taught by prior art figure 6c, in order to provide an efficient means of collecting data for recording purposes in the disk driving device of JP '537.

Ito teaches in col. 14 lines 24-30 the use of the chassis as a whole being formed of a resin material (Examiner maintains that since the whole chassis is formed of a resin material, it inherently has a resin portion). It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to have constructed the chassis of JP '537, as modified, to have been formed of resin material to include a resin portion, in view of the teachings of Ito, in order to provide a desired degree of toughness and durability of the chassis structure as best determined by application requirements.

Re: claim 3. JP '537, as modified, teaches in figure 1 of JP '537 the limitation wherein a hole shown surrounding element 4 for communicating air between an inside and an outside of the vibration preventing damper is formed in any portion of the vibration preventing damper forming portion in at least one of the vibration preventing damper and the chassis, or particularly the vibration preventing damper.

Re: claims 18-20. JP '537 shows in figure 1 a vibration preventing damper and chassis assembly comprising: a chassis 2, and a vibration preventing damper 3 attached to the chassis as an integral construction without mechanical fasteners as shown in figure 1, wherein the vibration preventing damper includes a damper housing having an elastic wall portion formed with an integral agitating sleeve shown in the area surrounding element 4 and fabricated from a thermoplastic elastomer as disclosed in lines 2-3 of the solution section of the abstract, a circumferential wall portion shown below the lead arrow of number 17 fabricated from resin and integrally formed with the elastic wall portion shown in the area of the lead arrow of number 3 and a fluid contained in the vibration preventing damper and in contact with the internal agitating sleeve, a portion of the chassis is integrally connected to the circumferential wall portion to form a unitary structure with the vibration preventing damper as shown and disclosed in the solution section of the abstract.



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JP '537 does not specifically disclose that at least a portion of the chassis is fabricated from resin and does not disclose that the fluid contained in the vibration preventing damper is a viscous fluid.

Ito teaches in col. 14 lines 24-30 the use of the chassis as a whole being formed of a resin material (Examiner maintains that since the whole chassis is formed of a resin material, it inherently has a resin portion). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the chassis of JP '537 to have been formed of resin material to include a resin portion, in view of the teachings of Ito, in order to provide a desired degree of toughness and durability of the chassis structure as best determined by application requirements.

Prior art figure 6c shows a vibration preventing damper containing a viscous fluid 5f. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the fluid in the damper of JP'537, as modified, to have been a viscous fluid, as taught by prior art figure 6c, in order to provide a damper with varying damping capacities since fluid viscosity is a function of temperature.

11. Claims 2-5, 7-13, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP-737375 (JP'375) in view of Prior art figure 6C, Ito, and JP'537.

Re: claims 2 and 9. JP '375 shows in figure 3 a mechanical chassis 4 and a vibration preventing damper 15 attached on a chassis supported in a floating condition through the vibration preventing damper within a casing 1, comprising a portion shown in the area below the lead line of number 28 at the vibration preventing damper 15 attached to a portion of the chassis, wherein an opening side end portion made of a

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material of the damper housing shown in the area above element N with a holder portion 31 in a form of a container opened at one end for inserting a support shaft 14 provided in the casing and an elastic wall portion 32 for reducing floating movement of the support shaft due to elastic deformation in three-dimensional directions is fixed to the portion and the vibration preventing damper is connected with the chassis as shown to form a unitary structure of the vibration preventing damper and the portion of the chassis, but does not show or disclose that the mechanical chassis includes a non-contact reading mechanism for a disc recording medium, does not disclose that the opening side end portion of the damper or a portion of the chassis is made of a resin material, and does not disclose that the portion of the vibration preventing damper is integrally formed specifically with a resin portion of the chassis.

Prior art figure 6c teaches the use of a non-contact reading mechanism 2 included on a mechanical chassis 3 and teaches in the first line of pg. 3 of the instant application the use of an opening side end portion 5d of the damper 5 being made of resin.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the chassis of JP '375 to have included a non-contact reading mechanism, as taught by prior art figure 6c, in order to provide an efficient means of collecting data for recording purposes in the device of JP '375.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the opening side end portion of the damper of JP '375 to have been made of a resin material, as taught by prior art figure 6c, in order to

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provide a desired degree of toughness and durability of the damper depending on application requirements.

Ito teaches in col. 14 lines 24-30 the use of the chassis as a whole being formed of a resin material (Examiner maintains that since the whole chassis is formed of a resin material, it inherently has a resin portion). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the chassis of JP '537, as modified, to have been formed of resin material to include a resin portion, in view of the teachings of Ito, in order to provide a desired degree of toughness and durability of the chassis structure as best determined by application requirements.

JP '537 teaches in lines 1-3 of the solution section of the abstract the use of a portion of the damper being integrally formed with a portion of the chassis.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the connection of the damper to the chassis of JP '375, as modified, to have included an integral formation, as taught by JP '537, in order to provide a means of reducing the number of parts in assembly depending on manufacturing costs and requirements.

Re: claim 3. JP'375, as modified, teaches in figure 3 of JP'375 the limitation wherein a hole (or annular hole shown below the lead line of number 32 for communicating air between an inside and an outside of the vibration preventing damper is formed in any portion of the vibration preventing damper forming portion in at least one of the vibration preventing damper and the chassis (particularly the former).

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Re: claims 4, 19, 20, 21, and 22. JP'375, as modified, teaches in figure 3 of JP'375 the limitation wherein the holder portion of the damper housing is formed as a bottomed agitating shaft portion for holding the inserted support shaft provided in the casing and fluid for giving an agitating resistance due to fluidization to the agitating shaft portion that moves in accordance with movement of the support shaft is provided within an interior of the vibration preventing damper, but does not specifically disclose that the fluid is viscous.

Prior art figure 6c shows a vibration preventing damper containing a viscous fluid 5f. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the fluid in the damper of JP'375, as modified, to have been a viscous fluid, as taught by prior art figure 6c, in order to provide a damper with varying damping capacities since fluid viscosity is a function of temperature.

Re: claims 5, 7, 8, 11, 12 and 13. JP'375, as modified, teaches in figure 3 of JP '375 the limitation wherein a through hole shown in the area of element 12 is formed in the vibration preventing damper forming portion of a resin chassis, the opening side end portion of the damper housing is fixed to a hole edge of the through hole on one surface side of the resin chassis portions of the damper in the area of element 29, and a lid member 20 made of a material for closing the through hole is fixed to the hole edge of the through hole in the other surface side of the resin chassis, but does not specifically disclose that the lid member is made of a resin material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the material of the lid member of JP '375, as

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modified, to have been resin since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. With regards to claim 7, an outward flange 29 is provided on the opening side end portion of the damper housing, one side surface or the top surface as shown in figure 3 of JP'375 comes in contact with a hole edge of the through hole and a lid member 20 of JP'375, as modified made of resin material for closing the opening side end portion of the damper housing is fixed to the other side surface or bottom surface of the outward flange.

Re: claim 10. In an alternate interpretation the opening side end portion of the damper housing may be considered the area in the vicinity of element F. In light of the alternate interpretation, JP '375, as modified, teaches in figure 3 of JP '375 the opening side end portion of the damper housing being fixed to a hole edge of the through hole via element 28 on one side or the top side of the resin chassis, and a lid member 20 made of a resin material for closing the through hole is fixed to the hole edge of the through hole via element 29 on the other side or bottom side of the resin chassis.

***Allowable Subject Matter***

12. Claims 6, 14, 15, 16, and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Re: claim 6. JP'375 does not show the limitation of a resin hole edge covering

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portion on one side surface of the chassis and a lid member made of a resin material on the other side surface of the chassis.

Re: claims 14, 15, and 16. JP'375 fails to show or suggest the limitation of the chassis comprising a metal portion on which the non-contact reading mechanism is provided and a resin portion in which a vibration preventing damper portion is included.

Re: claim 23. JP '375 fails to show the limitation of the chassis being fabricated from metal and having a resin portion integrally connected to the chassis forming a ring covering an inner periphery of the through hole and a lid member.

### ***Response to Arguments***

13. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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February 25, 2004

Melody M. Bouch  
2/25/04